

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>GEORGE ROHRBACH,</b>	:	<b>CIVIL ACTION NO. 1:06-CV-0202</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
v.	:	
	:	
<b>PA BOARD OF PROBATION &amp; PAROLE, et al.,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 26th day of June, 2006, upon consideration of the report of the magistrate judge (Doc. 14), to which no objections were filed, recommending that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed, and following an independent review of the record, it appearing that petitioner has procedurally defaulted his claim in state court and has not demonstrated cause and prejudice or a miscarriage of justice, see 28 U.S.C. § 2254(b)(1) (“An application for a writ of habeas corpus . . . shall not be granted unless it appears that . . . the applicant has exhausted the remedies available in the courts of the State . . .”); McCandless v. Vaughn, 172 F.3d 255, 260 (3d Cir. 1999) (discussing procedural default and the requirement to show “cause and prejudice” or “fundamental miscarriage of justice” to overcome such default); see also Rose v. Lundy, 455 U.S. 509, 518 (1982) (“The exhaustion doctrine is principally designed to protect the state courts’ role in the

enforcement of federal law and prevent disruption of state judicial proceedings.”),<sup>1</sup> it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 14) is ADOPTED.
2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> The court notes that it appears that petitioner was released from custody on May 2, 2006. (See Doc. 15.)